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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,077	11/25/2003	Jong Seok Kim	0465-1081P	4939

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1746

NOTIFICATION DATE	DELIVERY MODE
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05/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/720,077	Applicant(s) KIM ET AL.	
	Examiner Jason Heckert	Art Unit 1746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 5, filed 3/14/07, with respect to the rejection of claims 1-4 under 35 U.S.C. § 102 (b) have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn. Specifically, the applicant cancelled these claims rendering the rejection moot.
2. Applicant's arguments filed 3/14/07 with respect to claims 5-12 have been fully considered but they are not persuasive. Applicant merely argues that the case law is improperly applied, yet gives no reason as to why this particular dampener arrangement would be a patentably distinct arrangement. Furthermore, although "Japikse" may be considered a broad or general principle, as the applicant asserts, the examiner feels it is still relevant. The applicant is claiming a dampener, a known device with a known function, in a different arrangement to achieve the same dampening function. The applicant's specification even admits that the installation position of the dampener 90 is "versatile" (paragraph 47), thereby implying that this particular arrangement is not essential to the applicant's invention and can further be interpreted as a concession that rearrangement is, in fact, obvious.
3. Many prior art references show different arrangements of dampening structures in washing machines. For example, PCT Pub. No. WO00/00689 (now U.S. Patent 6,622,530 to Sumer et al.) shows a drum type machine with 5 dampening structures located in the front, back, bottom, right, and left portions of the machine (figure 1). U.S. Patent 6,574,997 to Mayer et al. shows 4 dampening structures including 2 at left and

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right sides under a bottom of the tub (figure 2) and one located in the rear of the tub to prevent front-to-rear vibrations. U.S. Patent 5,207,081 to Fuse shows another arrangement with 6 dampening structures located throughout the machine, including front, rear, and bottom portions. Examiner presents these references to affirm, along with the above argument, that the rejection by under "Japikse" is proper.

4. In regards to the combination of Ryan and Durazanni, Ryan discloses that the cylinder is pivotably attached to the tub and frame (paragraph 3 lines 42-44) either directly or indirectly (col. 3 lines 33-37). A hinge is a well-known means of pivotably attaching one object to another. Durazanni shows us the use of hinges with washing machine dampening structures. Hence, the rejection is proper.

5. Applicant's arguments, see page 5, filed 3/14/07, with respect to the rejection of claims 1-4 under 35 U.S.C. § 102 (b) have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn. Specifically, the applicant cancelled these claims rendering the rejection moot.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5-7, 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. Ryan et al. discloses a drum type washing machine comprising a cabinet 16, a tub 14, and a clothesbasket 12 that is equivalent to the drum of the claimed

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invention. Rotational shafts 24 and 26 penetrate into the tub and are coupled with each side of the clothesbasket, thereby making at least one coupled with the rear. A motor (col. 3 line 2) drives the shafts. Suspension subassemblies 18 and 20 are included to prevent vibrations and consist of piston 48 and cylinder 44. As depicted in Figure 1, the piston rod 46 is coupled with the cabinet and the cylinder is coupled with the tub. However, they do not disclose arranging the dampening device in the specific fashion of claim 5. Rearrangement of parts was held to have been obvious. *In Re Japikse* 86 USPQ 70 (CCPA 1950). Ryan et al. already discloses multiple dampers, and it would have been obvious to arrange them in whatever fashion yields the most efficient dampening effect.

3. Claims 8 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. in view of Durazzani et al. Ryan et al. does disclose dampers, as described above, but does not state that they are hinge-coupled to the cabinet and tub. Ryan discloses that the cylinder is pivotably attached to the tub and frame (paragraph 3 lines 42-44) either directly or indirectly (col. 3 lines 33-37). Hinges, joints, swivels, etc. are common in the art and are not considered novel. Durazzani et al. discloses hinge assemblies 32 and 34 that support the cylinders 30 thereby increasing dampening ability. It would have been obvious to one skilled in the art at the time of the invention to modify Ryan et al., who discloses the need for a pivotable attachment, and include a hinge or joint assembly, as taught by Durazzani, to pivotably attach the dampener to the tub and cabinet for increased dampening ability.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

A handwritten signature in black ink, appearing to read "Michael Barr", with a stylized flourish at the end.

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**